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Campaign Contribution Limitations. State Offices.

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Office of the Secretary of State
March Fong Eu

1230 J Street
Sacramento, California 95814

Elections Division
(916) 445-0820

July 3, 1984

TO: ALL REGISTRARS OF VOTERS/COUNTY CLERKS/PROPONENTS (8402)
FROM: Deborah Seiler
DEBORAH SEILER
ASSISTANT TO THE SECRETARY OF STATE
ELECTIONS AND POLITICAL REFORM

Pursuant to Elections Code 3520(b) you are hereby notified that the total number of signatures to the hereinafter named proposed INITIATIVE STATUTE filed with all county clerks is less than 100 percent of the number of qualified voters required to find the petition sufficient; therefore, the petition has failed:

TITLE: CAMPAIGN CONTRIBUTION LIMITATIONS. STATE OFFICES. INITIATIVE STATUTE.

SUMMARY DATE: January 25, 1984

PROPONENTS: Tom K. Houston
A. Alan Post

DS/lfs



Office of the Secretary of State
March Fong Eu

1230 J Street
Sacramento, California 95814

Elections Division
(916) 445-0820

0345

January 25, 1984

TO ALL REGISTRARS OF VOTERS, OR COUNTY CLERKS, AND PROPONENT

Pursuant to Section 3513 of the Elections Code, we transmit herewith a copy of the Title and Summary prepared by the Attorney General on a proposed Initiative Measure entitled:

**CAMPAIGN CONTRIBUTION LIMITATIONS. STATE OFFICES.
INITIATIVE STATUTE**

Circulating and Filing Schedule

1. Minimum number of signatures required 393,835
Cal. Const., Art. II, Sec. 8(b).
2. Official Summary Date Wednesday, 1/25/84
Elec. C., Sec. 3513.
3. Petition Sections:
 - a. First day Proponent can circulate Sections for signatures . . Wednesday, 1/25/84
Elec. C., Sec. 3513.
 - b. Last day Proponent can circulate and file with the county.
All Sections are to be filed at the same time within each
county. Monday, 6/25/84*+
Elec. C., Secs. 3513, 3520(a).
 - c. Last day for county to determine total number of signatures
affixed to petition and to transmit total to the Secretary of
State Monday, 7/2/84

(If the Proponent files the petition with the county on a date prior to 6/25/84, the county has five working days from the filing of the petition to determine the total number of signatures affixed to the petition and to transmit the total to the Secretary of State.) Elec. C., Sec. 3520(b).

* Date adjusted for official deadline which falls on Saturday. Elec. C., Sec. 60.

+ **PLEASE NOTE:** To the Proponent who may wish to qualify for the 1984 General Election. The law allows up to approximately 58 days to county election officials for checking and reporting petition signatures and transmitting results. The law also requires that this process be completed 131 days before the election in which the people will vote on the initiative. It is possible that the county may not need precisely 58 days. But if you want to be sure that this initiative qualifies for the 1984 General Election, you should file this petition with the county before May 1, 1984.

d. Secretary of State determines whether the total number of signatures filed with all county clerks meets the minimum number of required signatures, and notifies the counties. Wednesday, 7/4/84**

e. Last day for county to determine total number of qualified voters who signed the petition, and to transmit certificate with a blank copy of the petition to the Secretary of State Thursday, 7/19/84

(If the Secretary of State notifies the county to determine the number of qualified voters who signed the petition on a date other than 7/2/84, the last day is not later than the fifteenth day after county's receipt of notification.)
Elec. C., Sec. 3520(d), (e).

f. If the signature count is more than 433,218 or less than 354,452, then the Secretary of State certifies the petition has qualified or failed, and notifies the counties. If the signature count is between 354,452 and 433,218 inclusive, then the Secretary of State notifies the counties using the random sampling technique to determine the validity of all signatures Saturday, 7/21/84**

g. Last day for county to determine actual number of all qualified voters who signed the petition, and to transmit certificate with a blank copy of the petition to the Secretary of State Monday, 8/20/84

(If the Secretary of State notifies the county to determine the number of qualified voters who have signed the petition on a date other than 7/19/84, the last day is not later than the thirtieth day after county's receipt of notification.)
Elec. C., Sec. 3521(b), (c).

h. Secretary of State certifies whether the petition has been signed by the number of qualified voters required to declare the petition sufficient. Wednesday, 8/22/84**

**Date varies based on receipt of county certification.

CAMPAIGN CONTRIBUTION LIMITATIONS.

STATE OFFICES.

January 25, 1984

Page 3

4. Campaign Statements:

Last day for the Proponent to file a Campaign
Statement of Receipts and Expenditures for period
ending 7/23/84. Monday, 7/30/84

(If the Secretary of State finds that the measure has
either qualified or failed to qualify on a date earlier
than 6/25/84, the last date to file is the 35th calendar
day after the deadline for filing petitions or the date of
notification by the Secretary of State that the measure
has either qualified or failed to qualify, whichever is
earlier. The closing date for the campaign statement
is seven days prior to the filing deadline.)

Gov. C., Secs. 84200(d), 84202(j).

5. The Proponents of the above named measure are:

Tom K. Houston
A. Alan Post
Van Camp & Johnson
555 Capitol Mall, Suite 400
Sacramento, CA 95814
(916) 448-1155

Sincerely,



DEBORAH SEILER
Assistant to the Secretary of State
Elections and Political Reform

NOTE TO PROPONENT: Your attention is directed to Elections Code
Sections 41, 44, 3501, 3507, 3508, 3516, 3517, and 3519 for appropriate
format and type considerations in printing, typing, and otherwise preparing
your initiative petition for circulation and signatures. Your attention is
further directed to the campaign disclosure requirements of the Political
Reform Act of 1974, Government Code Section 81000 et seq.

JOHN K. VAN DE KAMP
Attorney General

0345
State of California
DEPARTMENT OF JUSTICE



1515 K STREET, SUITE 511
SACRAMENTO 95814
(916) 445-9555

January 25, 1984

Honorable March Fong Eu
Secretary of State
1230 J Street
Sacramento, California 95814

Dear Mrs. Eu:

Re: Initiative Title and Summary.
Our File No. SA83RF0032

FILED
In the office of the Secretary of State
of the State of California

JAN 25 1984

MARCH FONG EU, Secretary of State
By *[Signature]*
Deputy

Pursuant to the provisions of section 3503 and 3513 of the Elections code, you are hereby notified that on this day we mailed to the proponent(s) of the above identified proposed initiative our title and summary.

Enclosed is a copy of our transmittal letter to the proponent(s), a copy of our title and summary, a declaration of mailing thereof, and a copy of the proposed measure.

According to information available in our records, the name(s) and address(es) of the proponent(s) is as stated on the declaration of mailing.

Very truly yours,

JOHN K. VAN DE KAMP
Attorney General

[Signature]
Robert Burton
Deputy Attorney General

Enclosure

(RF-10, 6/83)

Date: January 25, 1984
File No.: SA83RF0032

The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed measure:

CAMPAIGN CONTRIBUTION LIMITATIONS. STATE OFFICES. INITIATIVE STATUTE. With respect to candidates for legislative and statewide elective offices, adds statutes which: Limit amounts that can be contributed to or received by a candidate from individuals, corporations, committees, or political parties. Limit aggregate amounts of contributions by an individual or corporation to all candidates. Limit amounts candidates can contribute from personal funds without complying with disclosure and other requirements. Limit total contributions to legislative candidates in non election years. Limit amounts of prior contributions candidates can retain past specified dates. Require certain mass mailing disclosures. Contain other limitations and enforcement provisions. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local governments: The initiative would increase state administrative costs by \$225,000 in 1984-85, \$450,000 in 1985-86 and a comparable amount annually thereafter.

The People of the State of California Do Enact as Follows:

SEC. 1. Chapter 5 is added to Title 9 of the Government Code (known as the Political Reform Act of 1974) as follows:

Chapter 5. Campaign Contribution Limitations

Article 1. Findings and Purposes

85100. This Chapter shall be known and may be cited as the "1984 Amendments to the Political Reform Act."

85101. The people find and declare in enacting this Chapter as follows:

(a) The costs of conducting election campaigns for State office have increased dramatically during recent years.

(b) Candidates for state office are increasingly financing their campaigns by soliciting and receiving large contributions from lobbying and special interest groups which thereby gain a disproportionate and harmful influence over government decision-making.

(c) The high costs of campaigns and the need to solicit and receive large campaign contributions from wealthy individuals, political action committees and other special interests is discouraging many otherwise qualified candidates from competing for State office and is seriously eroding public confidence in the State government.

(d) Incumbent officeholders enjoy an increasingly unfair advantage over their challengers because of their ability to raise early and large contributions from individuals, corporations and political action committees with business pending before the State government and to utilize public funds for government functions, which secondarily promote their candidacies.

(e) False, misleading and personal attack type political advertising has become too common in California campaigns and is undermining the public's overall confidence in the electoral process.

85102. The people enact this Chapter to accomplish the following purposes:

(a) Strict limitations should be placed on how much any one individual, corporation, political action organization, or political committee can contribute to a candidate for State office.

(b) Contribution limitations should be coupled with tough measures to ensure that corporations and political action organizations cannot establish and/or operate additional committees or engage in other activities designed to evade such limitations.

(c) The unfair advantages of incumbents over their challengers should be reduced by eliminating abusive practices such as the raising of large campaign war chests during non-election years and by offsetting the ability of incumbents to drastically outraise and outspend their challengers.

(d) Candidates for State office should be governed by a fair campaign practices and ethics code.

Article 2. Definitions

85202. Unless the contrary is stated, or clearly appears from the context, the definitions set forth in this Article shall govern the interpretation of this Chapter.

85203. (a) The term "contributions for a primary election" includes all contributions made or received from January 1st of the year following the year a candidate last ran for state legislative office, or from the date a candidate first became a candidate for such office, whichever occurs later, until June 30th following the primary election;

(b) The term "contribution for a general election" includes all contributions made or received from July 1st of an election year until December 31st following the general election;

(c) The term "contributions for a special election" includes all contributions made or received from the closing date of a candidate's last campaign statement filed in connection with an election for state legislative office, or from the date a candidate first became a candidate for such office, whichever occurs later, until fifty-eight (58) days after the special election or, in the case of a candidate subsequently involved in a special run-off election, five days after the special election;

(d) The term "contributions for a special run-off election" includes contributions made or received from six (6) days after the preceding special election until fifty-eight (58) days after the special run-off election.

85204. "Individual" means a natural person.

85205. "Legislative caucus committee" means a committee controlled by the caucus of each political party of each house of the legislature. Each party of each house may establish only one such committee, and such committees shall not be considered to be candidate controlled committees. All decisions concerning the making of contributions or expenditures shall be made by majority vote of all members of a legislative caucus committee.

85207. (a) "Multi-candidate recipient committee" means any committee, as defined in subsection (a) of Section 82013, which also meets all of the following criteria:

(1) Has had on file a statement of organization pursuant to Section 84101 for not less than three months.

(2) Has received contributions from more than fifty (50) persons.

(3) Has made contributions to five (5) or more candidates for state or local office.

(b) "Super multi-candidate recipient committee; means any multi-candidate recipient committee which receives all of its contributions from individuals in amounts less than one hundred dollars (\$100), and has received contributions from one thousand (1,000) or more individuals.

85208. "Official political party" means any political party which has a right, under law, to have the names of its candidates listed on the ballot in a general election as candidates of that party.

85209. "Personal funds or resources" means the personal funds and resources, including real and personal property, of the candidate and the candidate's spouse, dependent children, and parents.

85212. "Special run-off election" means an election necessitated by the failure of any candidate in a special election for state legislative office to win fifty (50) percent or more of the vote.

85213. "State Legislative office" means the office of State Assemblyman and the office of State Senator.

Article 3. Contribution Limitations

85300. Except as provided in Sections 85301 through 85309, inclusive, no person, including any corporation, committee or non-profit organization, shall do any of the following:

(a) Make contributions of over five hundred dollars (\$500) to a candidate for state legislative office, or to his or her controlled committee or committees, for either a primary, general, special or special run-off election.

(b) Make contributions of over one thousand dollars (\$1,000) to a candidate for statewide elective office or to such candidates' controlled committee or committees for either a primary, general, special, or special run-off election.

(c) Make contributions of over five hundred (\$500) dollars during any calendar year to any committee not covered by subsections (a) or (b). However, the five hundred dollars (\$500) limitation shall not apply to contributions to candidates for local office or their controlled committees, to committees primarily formed to support or oppose such candidates or the qualification or passage of a ballot measure, or to official political parties.

85301. (a) Except as provided in Sections 85302 through 85309, inclusive, no multi-candidate recipient committee, shall do any of the following:

(1) Make contributions of over one thousand five hundred dollars (\$1,500) to any candidate for state legislative office, or to his or her controlled committee or committees, for either a primary, general, special or special run-off election.

(2) Make contributions of over three thousand dollars (\$3,000) to any candidate for statewide elective office or to such candidate's controlled committee or committees for either a primary, general, special, or special run-off election.

(3) Make contributions of over five hundred dollars (\$500) during any calendar year to any committee not covered by subsections (a) and (b). However, this five hundred dollars (\$500) limitation shall not apply to contributions to candidates for local office or their controlled committees, to committees primarily formed to support or oppose such candidates or the qualification or passage of a ballot measure, or to official political parties.

(b) Except as provided in Sections 85302 through 85309, inclusive, no super multi-candidate recipient committee, shall do any of the following:

(1) Make contributions of over two thousand five hundred dollars (\$2,500) to any candidate for state legislative office, or to his or her controlled committee or committees, for either a primary, general, special or special run-off election.

(2) Make contributions of over five thousand dollars (\$5,000) to any candidate for statewide elective office or to such candidate's controlled committee or committees for a primary or general election.

(3) Make contributions of over five hundred dollars (\$500) during any calendar year to any committee not covered by subsections (a) and (b). However, this five hundred dollars (\$500) limitation shall not apply to contributions to candidates for local office or their controlled committees, to committees primarily formed to support or oppose such candidates or the qualification or passage of a ballot measure, or to official political parties.

85302. Except as provided in Sections 85303 through 85309, inclusive, an official political party shall not make contributions of over ten thousand dollars (\$10,000) to any candidate for state legislative office, over twenty thousand dollars (\$20,000) to a candidate for statewide elective office, or such candidates' controlled committee or committees, for either a primary, general, special or special run-off election.

85303. (a) Except as provided in Sections 85304 through 85309, inclusive, a legislative caucus committee shall not make contributions of over ten thousand dollars (\$10,000) to any candidate for state legislative office, or over twenty thousand dollars (\$20,000) to a candidate for statewide elective office, or to such candidates' controlled committee or committees, for either a general, special or special run-off election.

(b) A legislative caucus committee shall not make any contributions to candidates for state legislative office in a primary election.

85304. Except as provided in Sections 85305 through 85309,

(a) No candidate for state legislative office, or a controlled committee of such candidate, shall receive for a primary, general, special or special run-off election any contribution of more than five hundred dollars (\$500) from any person, including any corporation, committee or nonprofit organization, any contribution of more than one thousand five hundred dollars (\$1,500) from any multi-candidate recipient committee, or any contribution of over two thousand five hundred dollars (\$2,500) from any super multi-candidate recipient committee, or any contribution of more than ten thousand dollars (\$10,000) from any official political party or legislative caucus committee.

(b) No candidate for statewide elected office, or a controlled committee of such candidate, shall receive for a primary or general election, any contribution of more than one thousand dollars (\$1,000) from any person, including any committee, corporation, or nonprofit organization, any contribution of more than three thousand dollars (\$3,000) from any multi-candidate recipient committee, any contribution of more than five thousand dollars (\$5,000) from a super multi-candidate recipient committee, and over twenty thousand dollars (\$20,000) from any official political party or legislative caucus committee.

(c) A contribution shall not be considered to be received if it is not cashed or utilized and is returned to the donor within fourteen (14) days.

85305. Except as provided in Sections 85308 and 85309, no candidate for state legislative office shall receive more than an aggregate total of one hundred thousand dollars (\$100,000) in contributions in amounts greater than one hundred dollars (\$100) for a primary, general, special or special run-off election.

85306. The contribution limitations in Sections 84300 through 85304, inclusive, shall not apply in a primary or special election to any candidate for state legislative office or statewide elective office, or to his or her controlled committee or committees, or to any committee contributing to such candidate or committee in a primary or special election, until such time as such candidate, or his or her controlled committee or committees, has received twenty thousand dollars (\$20,000) in contributions from any and all sources, including contributions from the candidate's own funds or resources, and campaign contributions carried over from a previous election.

85307. (a) No individual or corporation shall make aggregate contributions to candidates for state legislative office (or after January 1, 1989 to candidates for state legislative office and statewide elective office), or to such candidates' controlled committee or committees, in excess of ten thousand dollars (\$10,000) for a primary or general election.

(b) No individual shall make aggregate contributions of over five hundred dollars (\$500) a calendar year to committees not covered by subsection (a) of this section, other than those controlled by candidates for local office or formed primarily to support or oppose ballot measures.

85308. The contribution limitations applicable to candidates for state legislative office contained in Sections 85300 through 85305, inclusive, and in Sections 85311 and 85312, shall not apply to any candidate for state legislative office, or to his or her controlled committee or committees, if the candidate is also a candidate for local or statewide elective office or Governor and if both of the following conditions are met:

(a) A separate committee and account are established for the receipt and deposit of all contributions above the limitations.

(b) No expenditures from such contributions are made to support or oppose any candidate for legislative office.

85309. The contribution limitations in Sections 85300 through 85305, inclusive, shall not apply to the direct opponent (or to his or her controlled committee or committees) of any candidate for state legislative office after that candidate has filed a notice pursuant to subsection (a) of Section 85310 and has contributed to his or her campaign, or deposited, the amount specified in subsection (b) of Section 85310. Nor shall the contribution limitations in Sections 85300 through 85305, inclusive, apply to any candidate for state legislative office, or to his or her controlled committee or committees, if the candidate has filed the notices required by subsection (a) of Section 85310 and has contributed to or deposited with his or her campaign the amount specified in subsection (b) of Section 85310. Provided, that candidates for state legislative office who receive contributions over the specified limitations, pursuant to this Section, shall not carry forward for use in any other election more than thirty thousand dollars (\$30,000) in campaign funds. Funds in excess of such amount shall be disposed of as provided in subsections (a), (b), (d), and (e) of Section 12404 of the Elections Code.

85310. No candidate may contribute from his or her own personal funds or resources more than thirty thousand dollars (\$30,000), in the case of a candidate for the State Assembly, fifty thousand dollars (\$50,000), in the case of a candidate for the State Senate, or one hundred thousand dollars (\$100,000) in the case of a candidate for statewide elective office, for a primary, general, special or special run-off election, unless and until all of the following conditions have been met:

(a) A notice of intent to make personal contributions in excess of such limitations has been filed with the Commission and sent to all direct opponents by registered mail. The notice of intent may not be filed with the Commission later than forty-five (45) days preceding the primary, general, special or special run-off election date. After the notice has been filed, no contributions may be used by the candidate, or his or her controlled committee or committees, to repay any outstanding debts owed to, or loans made from personal funds or resources by, the candidate to his or her campaign.

(b) The candidate has, at least forty-five (45) days prior to the primary, general, special or special run-off election, either actually contributed from personal funds or resources thirty thousand dollars (\$30,000), in the case of a candidate for the State Assembly, or fifty thousand dollars (\$50,000), in the case of a candidate for the Senate, to his or her campaign, or has deposited that sum in personal funds or resources in a separate bank account, and has filed a notice of that contribution or deposit with the Commission and sent a copy of such notice by registered mail to all direct opponents.

85311. No candidate for state legislative office, nor his or her controlled committee or committees, shall raise more than thirty thousand dollars (\$30,000) in contributions during any calendar year in which such candidate is not being voted upon for state legislative office: Provided, however, that during calendar year 1985, candidates for state legislative office shall be able to raise in excess of this amount for the sole purpose of repaying campaign debts incurred during 1984 or previous election campaigns. This section is included in order to curtail the solicitation and making of contributions while most bills are pending before key policy committees in the State Legislature; to ensure that contributors have a choice between declared candidates when they are solicited to make contributions; to reduce the advantages incumbents enjoy over challengers in raising campaign contributions; and to offset partially the ability, of legislative incumbents to utilize public funds for legitimate functions, such as legislative newsletters, publicized hearings, or the like which, nevertheless, have beneficial impacts on their candidacies.

85312. In order to reduce the effect of large campaign contributions made prior to the effective date of this act, no candidate, nor his or her controlled committee or committees, shall retain past the date indicated, campaign funds in excess of the following amounts:

(a) In the case of a candidate for the State Assembly, thirty thousand dollars (\$30,000), past January 1, 1985.

(b) In the case of a candidate for the State Senate, fifty thousand dollars (\$50,000), past January 1, 1985.

(c) In the case of a candidate for statewide elective office, one hundred thousand dollars (\$100,000), past July 1, 1985.

(d) In the case of a candidate for Governor, two hundred thousand dollars (\$200,000), past July 1, 1985.

Funds in excess of these amounts shall be disposed of as provided in subsections (a), (b), (d) and (e) of Section 12404 of the Elections Code.

85313. (a) For purposes of the contribution limitations in Section 84300 through 84305, inclusive:

(1) all contributions made by persons or multi-candidate recipient committees or super multi-candidate recipient committees whose contribution or expenditure activity is financed, maintained, or controlled by any political party, or any other person or committee, including any parent, subsidiary, branch, division, department, or local unit of the committee, political party, or any other person or committee, or by any group of those persons, shall be considered to have been made by a single person, committee, or multi-candidate committee;

(2) any person or committee, except for committees controlled by candidates for state legislative office and legislative caucus committees, which collaborates with any other person or committee in determining which candidates or which committees shall receive their contributions shall be treated as a single committee;

(3) except for committees controlled by candidates for state legislative office, legislative caucus committees and official political parties, any two committees shall be treated as one committee if fifty percent (50%) of the contributors, by number, to one committee are also contributors to such other committee;

(4) two or more corporations shall be treated as one committee where such corporations:

(A) share the majority of members of their boards of directors;

(B) share two or more corporate officers;

(C) are owned or controlled by the same majority shareholder or shareholders; or

(D) are in a parent-subsidiary relationship;

(5) an individual and any general partnership in which he or she is a partner, or any corporation in which he or she owns a controlling interest, shall be treated as one committee.

(b) Nothing in this section shall limit transfers between persons or committees of funds raised through joint fundraising efforts.

Article 4. Independent Expenditures.

85400. With the exception of an official political party, any person, including any individual, committee, multi-candidate recipient committee, super multi-candidate recipient committee, non-profit organization, who makes a contribution of one hundred dollars (\$100) or more to a candidate for state legislative office, statewide elective office, or Governor during any year in which that candidate is being voted upon, shall be considered to be acting in concert with such candidate when making any expenditure, which would otherwise be considered an independent expenditure, in support of such candidate or in opposition to such candidate's opponents during that calendar year. All such expenditures shall be reported by the affected candidate, or his or her controlled committee or committees, and by the person making such expenditures, as contributions. Any person making such an expenditure shall inform the affected candidate by registered mail within forty-eight (48) hours of making the expenditure.

85401. (a) Any person, other than an official political party, who makes independent expenditures for a mass mailing supporting or opposing any candidate for state legislative office, statewide elective office, or Governor shall place the following statement on any such mailing:

NOTICE TO VOTERS
(Required by Law)

This mailing is not authorized or
approved by any legislative
candidate, party, or election official.

(b) The statement required by this section shall appear on the upper left-hand corner of each page or fold of the mass mailing in at least 10-point print, not subject to the half-tone or screening process, and in a print or drawn box set apart from any other printed matter.

Article 5. Fair Campaign Practices Code.

85500. (a) All candidates for state legislative office and statewide elective office shall sign and file the following Fair Campaign Practices Code when they file their declaration of candidacies.

FAIR CAMPAIGN PRACTICES CODE

Fair Campaign Pledge

I pledge to conduct my campaign for public office openly and fairly. I shall discuss the issues and participate in fair debate with respect to my views and qualifications. I shall not engage in, or permit, defamatory attacks upon the character of my opponents; nor shall I engage in unwarranted invasion of personal privacy unrelated to campaign issues. I also shall not use or permit the use of any campaign material or advertisement which misrepresents, distorts, or otherwise falsifies the facts regarding any candidate. Finally, I shall publicly repudiate support deriving from any individual or group whose activities would violate this Fair Campaign Code.

Specific Agreements

I further agree to the following specific conditions:

(1) I shall clearly identify myself (or my campaign committee) as the sender of all my campaign mass mailings.

(2) During the last fourteen (14) days preceding the election, I shall provide to my opponents a copy of all my campaign mass mailings and those of my controlled committees at least forty-eight (48) hours before they are placed in the mail.

(3) I shall not use in my campaign advertisement any false statements concerning the results of any poll.

(4) I shall not originate or allow questions to be asked in polls which misrepresent, distort, or otherwise falsify the facts regarding any candidate.

(b) Only violations of Paragraph 2 of the Specific Agreements section of the Fair Campaign Code shall constitute reporting violations of this Title and shall be subject to the penalties, sanctions, and other remedies provided for in Chapters 3 and 11. A violation of Paragraph 2 of the Code shall also result in a presumption of malice in any civil action resulting from defamatory statements made in a campaign mass mailing not properly disclosed.

Article 6. Duties of Agencies

85600. The Fair Political Practices Commission shall do all of the following:

(a) Prescribe forms necessary for filing the intention to make personal contributions in excess of specified amounts pursuant to Section 85310.

(b) Adopt such rules and regulations as may be necessary to carry out the purposes of this Chapter.

(c) Publish such reports and analyses as it deems appropriate on sources of campaign contributions and the effect of contribution limitations.

85601. The Secretary of State shall do all the following:

(a) Participate in all regulation and rulemaking proceedings conducted by the Commission pursuant to this Chapter.

(b) Prepare an annual report on the Commission's performance in implementing this Chapter, including, but not limited to, the Commission's timeliness in preparing reports, the Commission's fairness, independence, and non-partisanship in administering this Title, and whether the Commission is allocating sufficient personnel, resources, and funds to administer the provisions of this Chapter adequately.

85602. There is hereby appropriated from the General Fund of the State to the Fair Political Practices Commission the sum of two hundred thousand dollars (\$200,000) during fiscal year 1984-1985, and the sum of four hundred thousand dollars (\$400,000), adjusted for cost-of-living changes, each fiscal year thereafter, for expenditure to administer this Chapter. Such sums shall be presented in the budget and adjusted in the same manner as prescribed for other continuing appropriations made to the Commission pursuant to Section 83122. The definition of "expenditure" in Section 82025 is not applicable to this section.

SEC. 2. Section 91005 of the Government Code is amended to read:

91005. (a) Any person who makes or receives a contribution, gift, or expenditure in violation of Section 84300, 84304, 85300, 85301, 85302, 85303, 85304, 85305, 85307, 85310, 85311, 85312, 85313, 85400, 85401, 86202, 86203 or 86204 is liable in a civil action brought by the civil prosecutor or by a person residing within the jurisdiction of an amount up to five hundred dollars (\$500) or three times the amount of the unlawful contribution, gift, or expenditures, whichever is greater.

(b) Any designated employee, or public official specified in Section 87200 other than an elected state officer, who realizes an economic benefit as a result of a violation of Section 87100 or of a disqualification provision of a Conflict of Interest Code is liable in a civil action brought by the civil prosecutor or by a person residing within the jurisdiction for an amount up to three times the value of the benefit.

SEC. 3. The operative date of this chapter shall be January 1, 1985. However, none of the provisions of this chapter, except for those in Section 85312, shall apply to candidates for statewide elective office or to their controlled committee or committees, or to contributors to such candidates until January 1, 1987.

SEC. 4. If any provision of this Chapter or the application of any such provision to any person or circumstances, shall be held invalid; the remainder of this Chapter to the extent it can be given effect, or the application of those provisions to persons or circumstances other than those as to which it was held invalid, shall not be affected thereby, and to this end, the provisions of this Chapter are severable.

Amendment #1

LAW OFFICES
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December 19, 1983

OUR FILE NO. 1708.2

Attorney General's Office
1515 "K" Street, Suite 511
Sacramento, California 95814

Attn: Robert Burton

Re: Amendments to Initiative #2
Filed by Houston/Post November 12, 1983

Dear Bob:

Enclosed is an "amended" version of Initiative #2 filed with your office by A. Alan Post and me as proponents on November 12, 1983. Since this new version contains substantive amendments (such as extending the proposed campaign contribution limitations to state-wide offices, and eliminating the provision for the public financing of campaigns), the time periods for preparing a proper title and summary will have to begin anew for Initiative #2.

We are also adding as a proponent for Initiative #2 Mr. Alan F. Davis. A letter to this effect, signed by Mr. Davis and containing his appropriate address as listed on the registration rolls, will be submitted by the end of the week.

Please note that no amendments are being submitted for Initiative #1, which was also filed by Alan Post and me on November 12, 1983. Consequently, Initiative #1 should proceed on schedule for the official issuance of a title and summary. This should occur, according to our schedule, on or before December 26, 1983.

Finally, I have enclosed a new proposed 100-word summary for revised Initiative #2.

Thank you for your cooperation.

Sincerely,



Tom K. Houston

TKH:js
Enclosure

cc Post
Alan F. Davis